

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)
Against:)

THOMAS A. SAZANI, M.D.)

File No. 23-2006-177115

Physician's and Surgeon's)
Certificate No. A 42368)

Respondent)
_____)

DECISION

The attached **Stipulated Settlement and Disciplinary Order** is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on **February 11, 2010.**

IT IS SO ORDERED **January 13, 2010.**

MEDICAL BOARD OF CALIFORNIA

By: _____

Hedy Chang
Chair, Panel B

1 EDMUND G. BROWN JR.
Attorney General of California
2 KLINT JAMES MCKAY
Deputy Attorney General
3 State Bar No. 120881
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 576-1327
5 Facsimile: (213) 897-9395
E-mail: Klint.McKay@doj.ca.gov
6 *Attorneys for Complainant*

7 **BEFORE THE**
8 **MEDICAL BOARD OF CALIFORNIA**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

AG Case No. LA2008504732

12 **THOMAS A. SAZANI, M.D.**
149 South First Street, Ste. C
13 Orcutt, CA 93455

MBC Case No. 23-2006-177115

OAH No. 2009080018

14 (License # A42368)
Physician's and Surgeon's No. A 42368

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent.

16 In the interest of a prompt and speedy settlement of this matter, consistent with the public
17 interest and the responsibility of the Medical Board of California of the Department of Consumer
18 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
19 which will be submitted to the Board for approval and adoption as the final disposition of the
20 Accusation.

21 **PARTIES**

22 1. Barbara Johnston (Complainant) is the Executive Director of the Medical Board of
23 California. She brought this action solely in her official capacity and is represented in this matter
24 by Edmund G. Brown Jr., Attorney General of the State of California, by Klint James McKay,
25 Deputy Attorney General.

26 ///

27 ///

2. Respondent THOMAS A. SAZANI, M.D. (Respondent) is represented in this proceeding by attorneys Michael Goch, whose address is 5850 Canoga Avenue, Suite 400 Woodland Hills, California 91367-6554, and Wayne Miller, whose address is Compliance Law Group, 100 E Thousand Oaks Boulevard, Suite 201, Thousand Oaks, California 91360.

3. On or about December 16, 1995, the Medical Board of California issued Physician's and Surgeon's No. A 42368 to THOMAS A. SAZANI, M.D. (Respondent). The Physician's and Surgeon's was in full force and effect at all times relevant to the charges brought in Accusation No. LA 2008504732 and will expire on November 30, 2011, unless renewed.

JURISDICTION

4. Accusation No. LA2008504732 was filed before the Medical Board of California (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on June 1, 2009. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. LA 2008504732 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. LA 2008504732. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

1 CULPABILITY

2 8. For the purpose of resolving the allegations in Accusation No. LA 2008504732
3 without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing,
4 Complainant could present a *prima facie* case establishing the factual basis for each of the
5 allegations contained therein. Respondent hereby gives up his right to contest those charges.

6 9. Respondent understands and agrees that the charges and allegations in the above
7 Accusation, if proven at a hearing, constitute cause for imposing discipline upon his Physician
8 and Surgeon's Certificate Number A 42368. Respondent agrees that his Certificate is subject to
9 such discipline and agrees to be bound by the Board's imposition of same as set forth in the
10 Disciplinary Order below.

11 10. Respondent further agrees that if he ever petitions for early termination or
12 modification of probation, or if the Medical Board ever petitions for revocation of probation, all
13 of the charges and allegations contained in the Accusation identified above shall be deemed true,
14 correct and fully admitted by Respondent for purposes of that proceeding or any other licensing
15 proceeding involving respondent in the State of California or elsewhere.

16 CONTINGENCY

17 11. This stipulation shall be subject to approval by the Medical Board of California.
18 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
19 Board of California may communicate directly with the Board regarding this stipulation and
20 settlement, without notice to or participation by Respondent or his counsel. By signing the
21 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
22 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
23 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
24 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
25 action between the parties, and the Board shall not be disqualified from further action by having
26 considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order.

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's No. A 42368 issued to Respondent THOMAS A. SAZANI, M.D. (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. CONTROLLED SUBSTANCES - MAINTAIN RECORDS AND ACCESS TO RECORDS AND INVENTORIES Respondent shall maintain a record of all controlled substances ordered, prescribed, dispensed, administered or possessed by Respondent, and any recommendation or approval which enables a patient or patient's primary caregiver to possess or cultivate marijuana for the personal medical purposes of the patient within the meaning of Health and Safety Code section 11362.5, during probation, showing all the following: 1) the name and address of the patient; 2) the date; 3) the character and quantity of controlled substances involved; and 4) the indications and diagnoses for which the controlled substance was furnished.

Respondent shall keep these records in a separate file or ledger, in chronological order. All records and any inventories of controlled substances shall be available for immediate inspection and copying on the premises by the Department or its designee at all times during business hours and shall be retained for the entire term of probation.

Failure to maintain all records, to provide immediate access to the inventory, or to make all records available for immediate inspection and copying on the premises, is a violation of probation.

1 2. EDUCATION COURSE Within 60 calendar days of the effective date of this
2 Decision, and on an annual basis thereafter, Respondent shall submit to the Department or its
3 designee for its prior approval educational program(s) or course(s) which shall not be less than 25
4 hours per year, for each year of probation. The educational program(s) or course(s) shall be
5 aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified,
6 limited to classroom, conference, or seminar settings. The educational program(s) or course(s)
7 shall be at Respondent's expense and shall be in addition to the Continuing Medical Education
8 (CME) requirements for renewal of licensure. Following the completion of each course, the
9 Department or its designee may administer an examination to test Respondent's knowledge of the
10 course. Respondent shall provide proof of attendance for 50 hours of continuing medical
11 education of which 25 hours were in satisfaction of this condition.

12 3. PRESCRIBING PRACTICES COURSE Within 60 calendar days of the effective
13 date of this Decision, Respondent shall enroll in a course in prescribing practices, at Respondent's
14 expense, approved in advance by the Department or its designee. Failure to successfully
15 complete the course during the first 6 months of probation is a violation of probation.

16 A prescribing practices course taken after the acts that gave rise to the charges in the
17 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the
18 Department or its designee, be accepted towards the fulfillment of this condition if the course
19 would have been approved by the Department or its designee had the course been taken after the
20 effective date of this Decision.

21 Respondent shall submit a certification of successful completion to the Department or its
22 designee not later than 15 calendar days after successfully completing the course, or not later than
23 15 calendar days after the effective date of the Decision, whichever is later.

24 4. ETHICS COURSE Within 60 calendar days of the effective date of this
25 Decision, Respondent shall enroll in a course in ethics, at Respondent's expense, approved in
26 advance by the Department or its designee. Failure to successfully complete the course during
27 the first year of probation is a violation of probation.

28 An ethics course taken after the acts that gave rise to the charges in the Accusation, but

1 prior to the effective date of the Decision may, in the sole discretion of the Department or its
2 designee, be accepted towards the fulfillment of this condition if the course would have been
3 approved by the Department or its designee had the course been taken after the effective date of
4 this Decision.

5 Respondent shall submit a certification of successful completion to the Department or its
6 designee not later than 15 calendar days after successfully completing the course, or not later than
7 15 calendar days after the effective date of the Decision, whichever is later.

8 5. MONITORING - PRACTICE Within 30 calendar days of the effective date of
9 this Decision, Respondent shall submit to the Department or its designee for prior approval as
10 practice monitor(s), the name and qualifications of one or more licensed physicians and surgeons
11 whose licenses are valid and in good standing, and who are preferably American Board of
12 Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or
13 personal relationship with Respondent, or other relationship that could reasonably be expected to
14 compromise the ability of the monitor to render fair and unbiased reports to the Department,
15 including, but not limited to, any form of bartering, shall be in Respondent's field of practice, and
16 must agree to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

17 The Department or its designee shall provide the approved monitor with copies of the
18 Decision(s) and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of
19 receipt of the Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit
20 a signed statement that the monitor has read the Decision(s) and Accusation(s), fully understands
21 the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor
22 disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan
23 with the signed statement.

24 Within 60 calendar days of the effective date of this Decision, and continuing throughout
25 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall
26 make all records available for immediate inspection and copying on the premises by the monitor
27 at all times during business hours, and shall retain the records for the entire term of probation.

28 The monitor(s) shall submit a quarterly written report to the Department or its designee

1 which includes an evaluation of Respondent's performance, indicating whether Respondent's
2 practices are within the standards of practice of medicine or billing, or both, and whether
3 Respondent is practicing medicine safely, billing appropriately or both.

4 It shall be the sole responsibility of Respondent to ensure that the monitor submits the
5 quarterly written reports to the Department or its designee within 10 calendar days after the end
6 of the preceding quarter.

7 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of
8 such resignation or unavailability, submit to the Department or its designee, for prior approval,
9 the name and qualifications of a replacement monitor who will be assuming that responsibility
10 within 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within
11 60 days of the resignation or unavailability of the monitor, Respondent shall be suspended from
12 the practice of medicine until a replacement monitor is approved and prepared to assume
13 immediate monitoring responsibility. Respondent shall cease the practice of medicine within 3
14 calendar days after being so notified by the Department or designee.

15 In lieu of a monitor, Respondent may participate in a professional enhancement program
16 equivalent to the one offered by the Physician Assessment and Clinical Education Program at the
17 University of California, San Diego School of Medicine, that includes, at minimum, quarterly
18 chart review, semi-annual practice assessment, and semi-annual review of professional growth
19 and education. Respondent shall participate in the professional enhancement program at
20 Respondent's expense during the term of probation.

21 Failure to maintain all records, or to make all appropriate records available for immediate
22 inspection and copying on the premises, or to comply with this condition as outlined above is a
23 violation of probation..

24 6. NOTIFICATION Prior to engaging in the practice of medicine, the Respondent
25 shall provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff or the Chief
26 Executive Officer at every hospital where privileges or membership are extended to Respondent,
27 at any other facility where Respondent engages in the practice of medicine, including all
28 physician and locum tenens registries or other similar agencies, and to the Chief Executive

1 Officer at every insurance carrier which extends malpractice insurance coverage to Respondent.
2 Respondent shall submit proof of compliance to the Department or its designee within 15
3 calendar days.

4 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

5 7. SUPERVISION OF PHYSICIAN ASSISTANTS During probation, Respondent
6 is prohibited from supervising physician assistants.

7 8. OBEY ALL LAWS Respondent shall obey all federal, state and local laws, all
8 rules governing the practice of medicine in California, and remain in full compliance with any
9 court ordered criminal probation, payments and other orders.

10 9. QUARTERLY DECLARATIONS Respondent shall submit quarterly
11 declarations under penalty of perjury on forms provided by the Department, stating whether there
12 has been compliance with all the conditions of probation. Respondent shall submit quarterly
13 declarations not later than 10 calendar days after the end of the preceding quarter.

14 10. PROBATION UNIT COMPLIANCE Respondent shall comply with the
15 Department's probation unit. Respondent shall, at all times, keep the Department informed of
16 Respondent's business and residence addresses. Changes of such addresses shall be immediately
17 communicated in writing to the Department or its designee. Under no circumstances shall a post
18 office box serve as an address of record, except as allowed by Business and Professions Code
19 section 2021(b).

20 Respondent shall not engage in the practice of medicine in Respondent's place of residence.
21 Respondent shall maintain a current and renewed California physician's and surgeon's license.

22 Respondent shall immediately inform the Department, or its designee, in writing, of travel
23 to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more
24 than 30 calendar days.

25 11. INTERVIEW WITH THE DEPARTMENT, OR ITS DESIGNEE Respondent
26 shall be available in person for interviews either at Respondent's place of business or at the
27 probation unit office, with the Department or its designee, upon request at various intervals, and
28 either with or without prior notice throughout the term of probation.

1 12. RESIDING OR PRACTICING OUT-OF-STATE In the event Respondent should
2 leave the State of California to reside or to practice, Respondent shall notify the Department or its
3 designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is
4 defined as any period of time exceeding 30 calendar days in which Respondent is not engaging in
5 any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

6 All time spent in an intensive training program outside the State of California which has
7 been approved by the Department or its designee shall be considered as time spent in the practice
8 of medicine within the State. A Board-ordered suspension of practice shall not be considered as a
9 period of non-practice. Periods of temporary or permanent residence or practice outside
10 California will not apply to the reduction of the probationary term. Periods of temporary or
11 permanent residence or practice outside California will relieve Respondent of the responsibility to
12 comply with the probationary terms and conditions with the exception of this condition and the
13 following terms and conditions of probation: Obey All Laws; Probation Unit Compliance; and
14 Cost Recovery.

15 Respondent's license shall be automatically cancelled if Respondent's periods of temporary
16 or permanent residence or practice outside California total two years. However, Respondent's
17 license shall not be cancelled as long as Respondent is residing and practicing medicine in
18 another state of the United States and is on active probation with the medical licensing authority
19 of that state, in which case the two year period shall begin on the date probation is completed or
20 terminated in that state.

21 13. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

22 In the event Respondent resides in the State of California and for any reason Respondent
23 stops practicing medicine in California, Respondent shall notify the Department or its designee in
24 writing within 30 calendar days prior to the dates of non-practice and return to practice. Any
25 period of non-practice within California, as defined in this condition, will not apply to the
26 reduction of the probationary term and does not relieve Respondent of the responsibility to
27 comply with the terms and conditions of probation. Non-practice is defined as any period of time
28 exceeding 30 calendar days in which Respondent is not engaging in any activities defined in

1 sections 2051 and 2052 of the Business and Professions Code.

2 All time spent in an intensive training program which has been approved by the Department
3 or its designee shall be considered time spent in the practice of medicine. For purposes of this
4 condition, non-practice due to a Board-ordered suspension or in compliance with any other
5 condition of probation, shall not be considered a period of non-practice.

6 Respondent's license shall be automatically cancelled if Respondent resides in California
7 and for a total of two years, fails to engage in California in any of the activities described in
8 Business and Professions Code sections 2051 and 2052.

9 14. COMPLETION OF PROBATION Respondent shall comply with all financial
10 obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior
11 to the completion of probation. Upon successful completion of probation, Respondent's
12 certificate shall be fully restored.

13 15. VIOLATION OF PROBATION Failure to fully comply with any term or
14 condition of probation is a violation of probation. If Respondent violates probation in any
15 respect, the Department, after giving Respondent notice and the opportunity to be heard, may
16 revoke probation and carry out the disciplinary order that was stayed. If an Accusation, Petition
17 to Revoke Probation, or an Interim Suspension Order is filed against Respondent during
18 probation, the Department shall have continuing jurisdiction until the matter is final, and the
19 period of probation shall be extended until the matter is final.

20 16. LICENSE SURRENDER Following the effective date of this Decision, if
21 Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy
22 the terms and conditions of probation, Respondent may request the voluntary surrender of
23 Respondent's license. The Department reserves the right to evaluate Respondent's request and to
24 exercise its discretion whether or not to grant the request, or to take any other action deemed
25 appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender,
26 Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the
27 Department or its designee and Respondent shall no longer practice medicine. Respondent will
28 no longer be subject to the terms and conditions of probation and the surrender of Respondent's

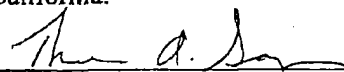
license shall be deemed disciplinary action. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

17. PROBATION MONITORING COSTS Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Department, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Department or its designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorneys, Wayne Miller and Michael Goch. I understand the stipulation and the effect it will have on my Physician's and Surgeon's. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 11-06-09


THOMAS A. SAZANI, M.D.
Respondent

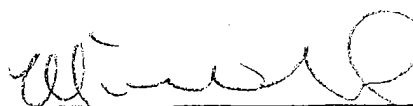
I have read and fully discussed with Respondent THOMAS A. SAZANI, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

WAYNE MILLER
Attorney for Respondent

I have read and fully discussed with Respondent THOMAS A. SAZANI, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 11/09/09


MICHAEL GOCH
Attorney for Respondent

1 license shall be deemed disciplinary action. If Respondent re-applies for a medical license, the
2 application shall be treated as a petition for reinstatement of a revoked certificate.

3 17. PROBATION MONITORING COSTS Respondent shall pay the costs associated
4 with probation monitoring each and every year of probation, as designated by the Department,
5 which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
6 California and delivered to the Department or its designee no later than January 31 of each
7 calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of
8 probation.

9 ACCEPTANCE


10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
11 discussed it with my attorneys, Wayne Miller and Michael Goch. I understand the stipulation and
12 the effect it will have on my Physician's and Surgeon's. I enter into this Stipulated Settlement and
13 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
14 Decision and Order of the Medical Board of California.

15 DATED: _____

16 THOMAS A. SAZANI, M.D.
Respondent

17 I have read and fully discussed with Respondent THOMAS A. SAZANI, M.D. the terms
18 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
19 Order. I approve its form and content.

20 DATED: November 3, 2009

21 
WAYNE MILLER
Attorney for Respondent

22 I have read and fully discussed with Respondent THOMAS A. SAZANI, M.D. the terms
23 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
24 Order. I approve its form and content.

25 DATED: _____

26 MICHAEL GOCH
Attorney for Respondent
27
28

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: December, 2009

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General

KLINT JAMES MCKAY
Deputy Attorney General
Attorneys for Complainant

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Accusation No. 23-2006-177115

EDMUND G. BROWN JR., Attorney General
of the State of California
KLINT JAMES McKAY, State Bar No. 120881
Deputy Attorney General
300 South Spring Street, Suite 1702
Los Angeles, California 90013
Telephone: (213) 576-1327
Facsimile: (213) 897-9395
E-mail: Klint.McKay@doj.ca.gov

Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

THOMAS ANTHONY SAZANI, M.D.
149 S. First Street, Suite C,
Orcutt, California 93455

Physician's and Surgeon's Certificate
No. A42368

Respondent.

Case No. 23-2006-177115

OAH No.:

A C C U S A T I O N

Complainant alleges:

PARTIES

1. Barbara Johnston ("Complainant") brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California ("Board").

2. On or about December 16, 1985, the Board issued Physician's and Surgeon's Certificate A 42368 to Thomas A. Sazani, M.D. ("Respondent"). That license is current and will expire on November 30, 2009, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2220 of the Code states:

2 “Except as otherwise provided by law, the Division of Medical
3 Quality¹ may take action against all persons guilty of violating this chapter. The
4 division shall enforce and administer this article as to Physician’s and Surgeon’s
5 certificate holders, and the division shall have all the powers granted in this
6 chapter for these purposes including, but not limited to:

7 “(a) Investigating complaints from the public, from other licensees,
8 from health care facilities, or from a division of the board that a physician and
9 surgeon may be guilty of unprofessional conduct. The board shall investigate the
10 circumstances underlying any report received pursuant to Section 805 within 30
11 days to determine if an interim suspension order or temporary restraining order
12 should be issued. The board shall otherwise provide timely disposition of the
13 reports received pursuant to Section 805.

14 “(b) Investigating the circumstances of practice of any physician
15 and surgeon where there have been any judgments, settlements, or arbitration
16 awards requiring the physician and surgeon or his or her professional liability
17 insurer to pay an amount in damages in excess of a cumulative total of thirty
18 thousand dollars (\$30,000) with respect to any claim that injury or damage was
19 proximately caused by the physician's and surgeon's error, negligence, or
20 omission.

21 “(c) Investigating the nature and causes of injuries from cases
22 which shall be reported of a high number of judgments, settlements, or arbitration
23 awards against a physician and surgeon.

24
25
26 1. California Business and Professions Code section 2002, as amended and effective
27 January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in
28 the State Medical Practice Act (Cal. Bus. & Prof. Code, §§2000, et seq.) means the “Medical
 Board of California,” and references to the “Division of Medical Quality” and “Division of
 Licensing” in the Act or any other provision of law shall be deemed to refer to the Board.

1 5. Section 2227 of the Code states:

2 "(a) A licensee whose matter has been heard by an administrative
3 law judge of the Medical Quality Hearing Panel as designated in Section 11371 of
4 the Government Code, or whose default has been entered, and who is found
5 guilty, or who has entered into a stipulation for disciplinary action with the
6 division, may, in accordance with the provisions of this chapter:

7 "(1) Have his or her license revoked upon order of the division.

8 "(2) Have his or her right to practice suspended for a period
9 not to exceed one year upon order of the division.

10 "(3) Be placed on probation and be required to pay the costs
11 of probation monitoring upon order of the division.

12 "(4) Be publicly reprimanded by the division.

13 "(5) Have any other action taken in relation to discipline as
14 part of an order of probation, as the division or an administrative law judge
15 may deem proper.

16 "(b) Any matter heard pursuant to subdivision (a), except
17 for warning letters, medical review or advisory conferences, professional
18 competency examinations, continuing education activities, and cost
19 reimbursement associated therewith that are agreed to with the division and
20 successfully completed by the licensee, or other matters made confidential
21 or privileged by existing law, is deemed public, and shall be made available
22 to the public by the board pursuant to Section 803.1."

23 6. Section 2228 of the Code states:

24 "The authority of the board or a division of the board or the
25 California Board of Podiatric Medicine to discipline a licensee by placing
26 him or her on probation includes, but is not limited to, the following:

27 "(a) Requiring the licensee to obtain additional
28 professional training and to pass an examination upon the completion of the

1 training. The examination may be written or oral, or both, and may be a
2 practical or clinical examination, or both, at the option of the board or
3 division or the administrative law judge.

4 “(b) Requiring the licensee to submit to a complete
5 diagnostic examination by one or more physicians and surgeons appointed
6 by the division. If an examination is ordered, the board or division shall
7 receive and consider any other report of a complete diagnostic examination
8 given by one or more physicians and surgeons of the licensee's choice.

9 “(c) Restricting or limiting the extent, scope, or type of
10 practice of the licensee, including requiring notice to applicable patients
11 that the licensee is unable to perform the indicated treatment, where
12 appropriate.

13 “(d) Providing the option of alternative community
14 service in cases other than violations relating to quality of care, as defined
15 by the Division of Medical Quality.”

16 7. Section 2234 of the Code states:

17 “The Division of Medical Quality shall take action against
18 any licensee who is charged with unprofessional conduct. In addition to
19 other provisions of this article, unprofessional conduct includes, but is not
20 limited to, the following:

21 “(a) Violating or attempting to violate, directly or indirectly,
22 assisting in or abetting the violation of, or conspiring to violate any
23 provision of this chapter [Chapter 5, the Medical Practice Act].

24 “(b) Gross negligence.

25 “(c) Repeated negligent acts. To be repeated, there must be
26 two or more negligent acts or omissions. An initial negligent act or
27 omission followed by a separate and distinct departure from the applicable
28 standard of care shall constitute repeated negligent acts.

1 "(1) An initial negligent diagnosis followed by an act or
2 omission medically appropriate for that negligent diagnosis of the patient
3 shall constitute a single negligent act.

4 "(2) When the standard of care requires a change in the
5 diagnosis, act, or omission that constitutes the negligent act described in
6 paragraph (1), including, but not limited to, a reevaluation of the diagnosis
7 or a change in treatment, and the licensee's conduct departs from the
8 applicable standard of care, each departure constitutes a separate and
9 distinct breach of the standard of care.

10 "(d) Incompetence.

11 "(e) The commission of any act involving dishonesty or
12 corruption which is substantially related to the qualifications, functions, or
13 duties of a physician and surgeon.

14 "(f) Any action or conduct which would have warranted the
15 denial of a certificate."

16 8. Section 2242 of the Code states:

17 (a) Prescribing, dispensing, or furnishing dangerous drugs as
18 defined in Section 4022 without an appropriate prior examination and a medical
19 indication, constitutes unprofessional conduct.

20 (b) No licensee shall be found to have committed unprofessional
21 conduct within the meaning of this section if, at the time the drugs were
22 prescribed, dispensed, or furnished, any of the following applies:

23 (1) The licensee was a designated physician and surgeon or
24 podiatrist serving in the absence of the patient's physician and surgeon or
25 podiatrist, as the case may be, and if the drugs were prescribed, dispensed,
26 or furnished only as necessary to maintain the patient until the return of his
27 or her practitioner, but in any case no longer than 72 hours.

28 (2) The licensee transmitted the order for the drugs to a

1 registered nurse or to a licensed vocational nurse in an inpatient facility,
2 and if both of the following conditions exist:

3 (A) The practitioner had consulted with the registered nurse or
4 licensed vocational nurse who had reviewed the patient's records.

5 (B) The practitioner was designated as the practitioner to serve
6 in the absence of the patient's physician and surgeon or podiatrist,
7 as the case may be.

8 (3) The licensee was a designated practitioner serving in the
9 absence of the patient's physician and surgeon or podiatrist, as the case may
10 be, and was in possession of or had utilized the patient's records and
11 ordered the renewal of a medically indicated prescription for an amount not
12 exceeding the original prescription in strength or amount or for more than
13 one refill.

14 (4) The licensee was acting in accordance with Section 120582 of
15 the Health and Safety Code.

16 9. Section 2242.1 of the Code states:

17 (a) No person or entity may prescribe, dispense, or furnish,
18 or cause to be prescribed, dispensed, or furnished, dangerous drugs or
19 dangerous devices, as defined in Section 4022, on the Internet for delivery
20 to any person in this state, without an appropriate prior examination and
21 medical indication, except as authorized by Section 2242.

22 (b) Notwithstanding any other provision of law, a violation
23 of this section may subject the person or entity that has committed the
24 violation to either a fine of up to twenty-five thousand dollars (\$25,000) per
25 occurrence pursuant to a citation issued by the board or a civil penalty of
26 twenty-five thousand dollars (\$25,000) per occurrence.

27 (c) The Attorney General may bring an action to enforce this
28 section and to collect the fines or civil penalties authorized by subdivision

1 (d) For notifications made on and after January 1, 2002, the
2 Franchise Tax Board, upon notification by the Attorney General or the
3 board of a final judgment in an action brought under this section,
4 shall subtract the amount of the fine or awarded civil penalties from
5 any tax refunds or lottery winnings due to the person who is a
6 defendant in the action using the offset authority under Section
7 12419.5 of the Government Code, as delegated by the Controller, and
8 the processes as established by the Franchise Tax Board for this
9 purpose. That amount shall be forwarded to the board for deposit in
10 the Contingent Fund of the Medical Board of California.

11 (e) If the person or entity that is the subject of an action
12 brought pursuant to this section is not a resident of this state, a
13 violation of this section shall, if applicable, be reported to the
14 person's or entity's appropriate professional licensing authority.

15 (f) Nothing in this section shall prohibit the board from
16 commencing a disciplinary action against a physician and surgeon
17 pursuant to Section 2242.

18 19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Gross Negligence)**

21 10. Respondent is subject to disciplinary action for gross negligence
22 under section 2234(b) in his care and treatment of patient "P. Y." As set forth below, P.
23 Y. was an alias used by Board investigators. The facts and circumstances are as follows:

24 A. This case was initially initiated by the Board in 2006 to determine
25 whether Respondent was prescribing drugs over the Internet without conducting a good
26 faith or appropriate prior physical examination of the patient in person as required by Code
27 sections 2242 and 2242.1.

28 B. On July 21, 2006, a Board investigator and a student assistant

1 accessed the web site www.drugs-pharmacy.com. They purchased 10 tablets of Viagra
2 after completing a brief online questionnaire with a date of birth, height, weight, and blood
3 pressure they created for "P.Y." a fictitious name. Viagra (sildenafil citrate) is a drug used
4 for erectile dysfunction in males, and can be associated with loss vision, hearing and heart
5 failure. It is therefore critical that an appropriate physical examination and evaluation be
6 performed on the patient before it is prescribed.

7 C. On July 24, 2006, the investigator received an email telling him that
8 P.Y.'s order had shipped by FedEx. No physical exam was required, nor were the self
9 reported vital signs verified in any way (for example, by requiring P.Y. to forward medical
10 records from another physician).

11 D. On July 26, 2006, the student assistant logged into
12 www.medicalweb.com as instructed by a confirmation email. Respondent had posted an
13 email indicating that he had reviewed the questionnaire and had developed a treatment
14 plan for P.Y. which involved Viagra. Respondent provided instructions for Viagra and
15 indicated that if there were problems, P.Y. should contact either Respondent or the
16 pharmacy, which was in Utah. He further indicated that if problems persisted, he should
17 arrange an in person visit.

18 E. On July 26, the Viagra arrived by FedEx. The envelope contained
19 one prescription bottle containing 10 tablets and one slip of paper labeled "Patient
20 Monograph" with information about the drug. The prescription bottle was labeled Viagra
21 100mg tab prescribed to P.Y. by "Dr. Sazani, Thomas" on July 24, 2006. The
22 prescription number printed on the bottle was 94507T. The pharmacy was Sundance
23 Pharmacy, 538 North 1300 East, Saint George, UT 84770.

24 F. On August 22, 2006, the student assistant, again using the
25 name "P.Y." logged into the medical web site and requested a refill. On August 30, 2006,
26 Respondent replied, indicating to P.Y. that he would approve the refill after P.Y.
27 completed the questionnaire online.

28 G. The student assistant completed a five question form, which

1 contained a link to "ask the doctor a question" for \$19.95. The form did not request
2 sufficient information to evaluate the medical or physical status of P.Y., and therefore was
3 inadequate to medically justify the promised refill.

4 H. Such conduct constitutes gross negligence within the meaning of the
5 applicable statutes, in that Respondent failed to conduct an appropriate prior physical
6 examination or even verify the identity of the patient before prescribing dangerous drugs.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Repeated Acts of Negligence)**

10 11. Respondent is subject to disciplinary action under Code section
11 2234(c) based on the above facts and circumstances, as the actions of Respondent
12 constitute multiple and repeated acts of negligence.

14 **THIRD CAUSE OF ACTION**

15 **(Prescribing Without Prior Examination or Medical Indication)**

16 12. Respondent is subject to disciplinary action under Code sections
17 2234(a), 2242 and 2242.1 based on the above facts and circumstances, in that he
18 prescribed, dispensed, or furnished dangerous drugs without an appropriate prior
19 examination and an appropriate medical indication therefor.

21 **PRAYER**

22 **WHEREFORE**, Complainant requests that a hearing be held on the
23 matters herein alleged, and that following the hearing, the Medical Board of California,
24 issue a decision:

25 1. Revoking or suspending Physician's & Surgeon's Certificate
26 number A 42368 issued to Thomas A. Sazani, M.D.;

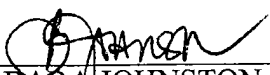
27 2. Revoking, suspending or denying approval of his authority to
28 supervise physician assistants, pursuant to Section 3527 of the Code;

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monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: June 1, 2009



BARBARA JOHNSTON
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

50415890